

Notification and substantive report for resource consent under the Resource Management Act 1991(RMA)



Discretionary activity

1. Application description

Application number:	LUC60328646
Applicant's name:	Tūpuna Maunga o Tāmaki Makaurau Authority and Auckland Council
Site address:	27 Summit Drive, Mt Albert
Legal description and Site Area:	SEC 1 SO 454869
Operative plan:	Auckland Unitary Plan: Operative in Part
Zoning:	Open Space – Conservation Zone Open Space – Sport and Active Recreation Zone
Precinct	N/A
Special features, overlays etc:	Natural Resources: Significant Ecological Areas Overlay - SEA_T_6016, Terrestrial Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Western Springs Volcanic Aquifer Natural Heritage: Outstanding Natural Features Overlay [rcp/dp] - ID 108, Mt Albert (Owairaka) Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - Mount Albert, Height Sensitive Areas Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A1, Mount Albert, Viewshafts Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A10, Mount Albert, Viewshafts Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A13, Mount Albert, Viewshafts

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A2, Mount Albert, Viewshafts

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A3, Mount Albert, Viewshafts

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A7, Mount Albert, Viewshafts

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A8, Mount Albert, Viewshafts

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A9, Mount Albert, Viewshafts

Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 1576, Mount Albert/Owairakai R11_20 Volcanic cone pa site including terrace/s, ditch/s, pit/s and midden

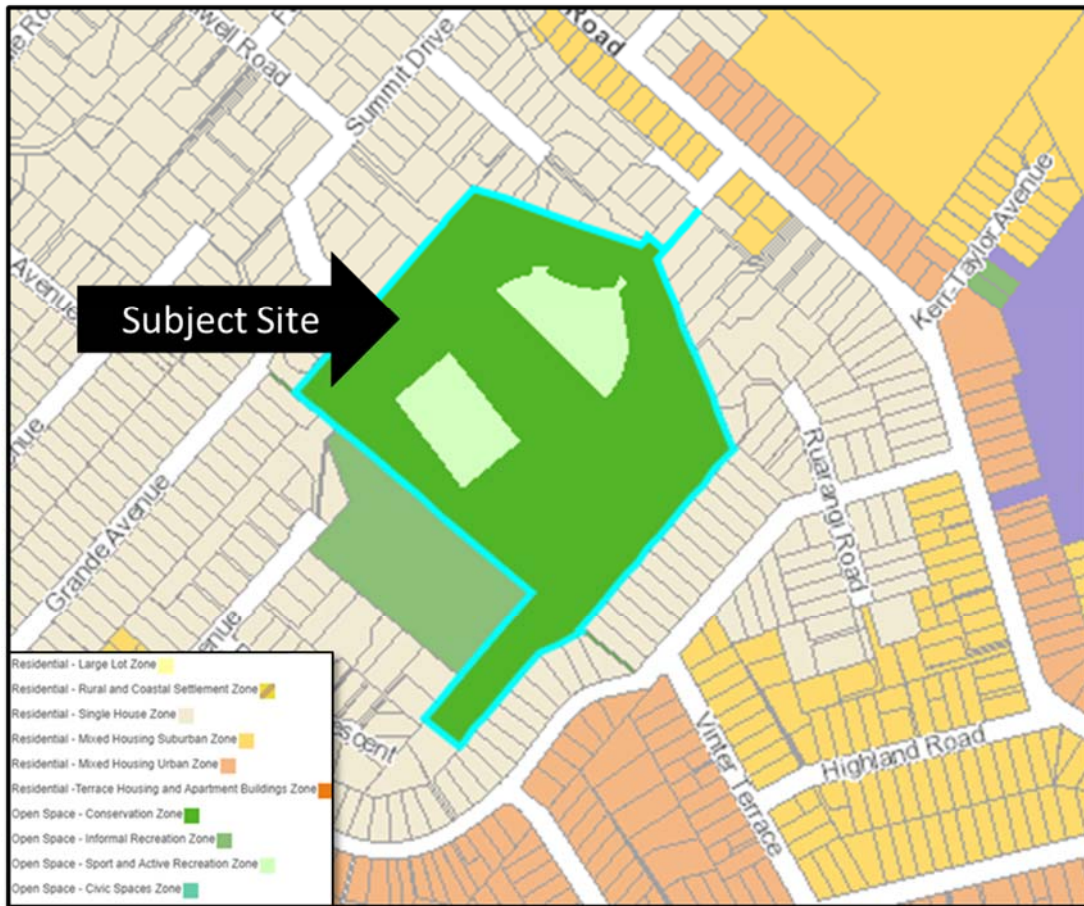
Designations

Notice of Requirements, NoR 7: Proposed Northern Runway, Airspace Restriction Designations, notified 15/02/2018

Figure 1: Locality Plan (AC GIS)



Figure 2: Zoning Plan (AUP:OP MAPS)



Application documents (plans and reference documents)

The following information has been provided:

- Application Form, and Assessment of Effects on the Environment and Statutory Assessment prepared by Antony Yates of Antony Yates Planning Limited, titled “*Tūpuna Maunga Authority, Ōwairaka/ Te Ahi-kā-a-Rakataura / Mt Albert Vegetation restoration and exotic vegetation removal works*”, dated October 2018 and the following appendices:

Appendix 1	Arboricultural Assessment and Removals Plan
Appendix 2	Archaeological Assessment
Appendix 3	Landscape and Visual Assessment
Appendix 4	Ecological Assessment and Remediation Planting Plan
Appendix 5	Acoustic Assessment
Appendix 6	Herpetology Assessment
Appendix 7	Communications Plan
Appendix 8	Relevant Statutory Provisions
Appendix 9	Development Control Checklist
Appendix 10	Mana Whenua Engagement
Appendix 11	Certificate of Title

The information has been reviewed and assessed by the following specialists:

- Peter Kensington – Landscape Architect, Consultant to the Design Review Unit
- Sarah Budd – Senior Ecologist, Consultant to, Environmental Services
- Joe Mills – Specialist Historic Heritage, Auckland Council

- Peter Runcie – Acoustics Specialist, SLR, Consultant to the Auckland Council; and

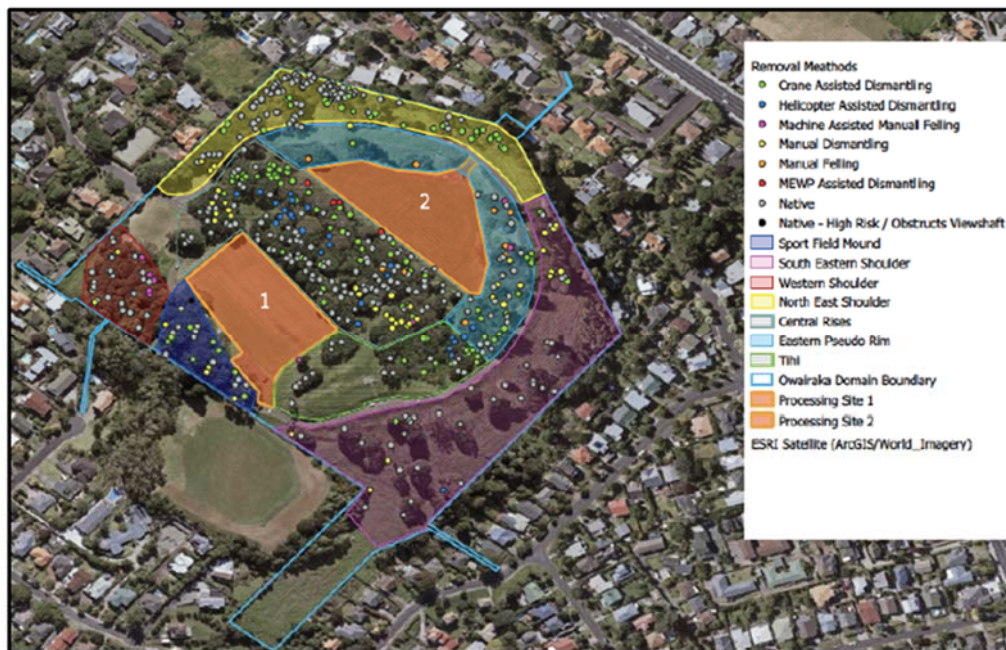
2. The proposal, site and locality description

Proposal

The applicant, Tūpuna Maunga o Tāmaki Makaurau Authority seek consent to undertake the necessary works to remove exotic vegetation and undertake restoration planting on Ōwairaka / Te Ahi-kā-a-Rakataura / Mt Albert (Ōwairaka) at 27 Summit Drive, Mt Albert.

A description of the application is included in section 6 of the A.E.E. submitted with the application. In summary, the applicant proposes the following works:

- The removal (to stump) of 345 exotic trees from the Maunga as shown on the following Figure extracted from the A.E.E.



- The overarching principles guiding the methodology relate to:
 - avoiding ground disturbance to protect archaeology and the landform;
 - avoiding damage to native tree species;
 - minimising ecological effects on flora and fauna values;
 - limiting effects on sensitive noise receivers; and
 - protecting the public and workers whilst minimising disruption and closure of the Tūpuna Maunga to the public.
- Once trees are removed, they will be processed on site within the existing sports field areas and then removed by truck via Summit Drive;
- It is anticipated that the works will be completed within 50 days (of which the helicopter work will occur over 20 days);
- Works are proposed between February and June, and will not be undertaken during the main bird breeding season of August-January;
- A communication plan has been provided with the application to inform the public of the works, and to reflect the need at times to restrict access to Maunga for health and safety reasons; and

- Following the removal of the exotic trees, the applicant proposes to undertake restoration planting of the Maunga with indigenous species to establish a WF7 Puriri broadleaf forest type and low native mound plantings.

Site and surrounding environment description

A description of the site, surrounding environment is provided in Section 5 of the submitted A.E.E. Having visited the site, I can confirm that this assessment is accurate.

Background

A background to the proposal, outlining the significance of Auckland's Tūpuna Maunga (ancestral mountains), and the legislative process to return 14 Tūpuna Maunga to the 13 mana whenua iwi and hapu of Auckland and the creation of the Tūpuna Maunga o Tāmaki Makaurau Authority to govern and administer the Maunga is provided in section 3 of the submitted A.E.E. A history of Ōwairaka and the significance of the Maunga is provided in sections 4 and 5 of the submitted A.E.E.

3. Reasons for the application

The relevant operative plan and proposed plan provisions

Council notified plan changes 14, 15, 16, and 17 on Thursday 29 November 2018. With respect to these plan changes and matters relevant to this application it is noted that:

- Plan Change 14: Improving consistency of provisions of Auckland-wide and Overlays.

There are no matters in this plan change that are relevant to this proposal, with the proposed changes to Chapter D17 Historic Heritage Overlay not impacting on the status of the activity (relating to permitted activities for buildings), or relating to trimming of trees (where removal only is proposed by this application), or seismic strengthening (unrelated to this proposal).

- Plan Change 15: Improving consistency of coastal provisions

There are no matters in this plan change that are relevant to this proposal.

- Plan Change 16: Improving consistency of provisions for Zones

There are no matters in this plan change that are relevant to this proposal, with the proposed changes to H7 Open space zones relating to jetties or boat ramps (unrelated to this proposal).

- Plan Change 17: Improving consistency of provisions for the GIS Viewer

There are no matters in this plan change that are relevant to this proposal.

As such, no specific consideration of these plan changes is necessary in this case.

Resource consents are needed for the following reasons:

Land use consents (s9) – LUC60328646

Ōwairaka

Auckland Council Unitary Plan (Operative in Part)

District land use

Historic Heritage Overlay (Chapter D17)

- Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule in this overlay requires consent as a **restricted discretionary activity** pursuant to D17.4.1 (A9).
- Conservation planting requires consent for a **discretionary activity** pursuant to D17.4.2 (A23).
- The removal of trees greater than 3m in height or greater than 300mm in girth requires consent for a **discretionary activity** pursuant to D17.4.2 (A26).

Land Disturbance – District (Chapter E12)

- The activity of replanting will involve approximately 525m² of ground disturbance. Consent for a **restricted discretionary activity** is required for earthworks not otherwise permitted between 500m² up to 1000m² in the Open Space – Conservation Zone pursuant to Rule E12.4.1 (A4);
- The activity of replanting will involve approximately 52m³ of ground disturbance. Consent for a **restricted discretionary activity** is required for earthworks not otherwise permitted up to 250m³ in the Open Space – Conservation Zone pursuant to Rule E12.4.1 (A7);
- The activity of replanting will involve 525m² of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks in the Historic Heritage Overlay over an area of greater than 50m² pursuant to Rule E12.4.2 (A30);
- The activity of replanting will involve 52m³ of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks in the Historic Heritage Overlay of greater than 5m³ up to 250m³ in pursuant to Rule E12.4.2 (A32);
- The activity of replanting will involve 52m³ of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks within the V1 Outstanding Natural Feature Overlay of greater than 50m³ pursuant to Rule E12.4.3 (A41);

Vegetation Management and Biodiversity (Chapter E15)

- Within an SEA-T, any vegetation removal not otherwise provided for requires consent as a **discretionary activity** pursuant to E15.4.1 (A43);

Trees in Open Space Zones (Chapter E16)

- The proposed tree works do not comply with Standards E16.6.1 and E16.6.2. Consent for **restricted discretionary activities** is required pursuant to E16.4.1 (A6) and (A8).
- The proposed tree removals include trees that are greater than 4 meters in height and 400mm girth. Consent for a **restricted discretionary activity** is required for these removals pursuant to Rule E16.4.1 (A10);

Noise and Vibration (Chapter E25)

- Construction noise levels exceeding the permitted standards of 75dB Leq (by a maximum of 7dB) are anticipated. Construction noise that exceeds the permitted activity standards in E25.6.27 requires consent as a **restricted discretionary activity** pursuant to E25.4.1 (A2);

4. Status of the applications

The resource consents required by the proposal overlap and are considered together as a **discretionary** activity status overall.

Notification

5. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a))
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)), and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)), and
- the application does not involve one or more of the following activities exclusively: a controlled activity; a restricted discretionary or discretionary activity for a residential activity (as defined in s95A of the RMA) or a subdivision; a boundary activity; or a prescribed activity (s95A(5)(b)).

Step 3: if not precluded by step 2, public notification required in certain circumstances

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activity on the environment, as public notification is required if the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

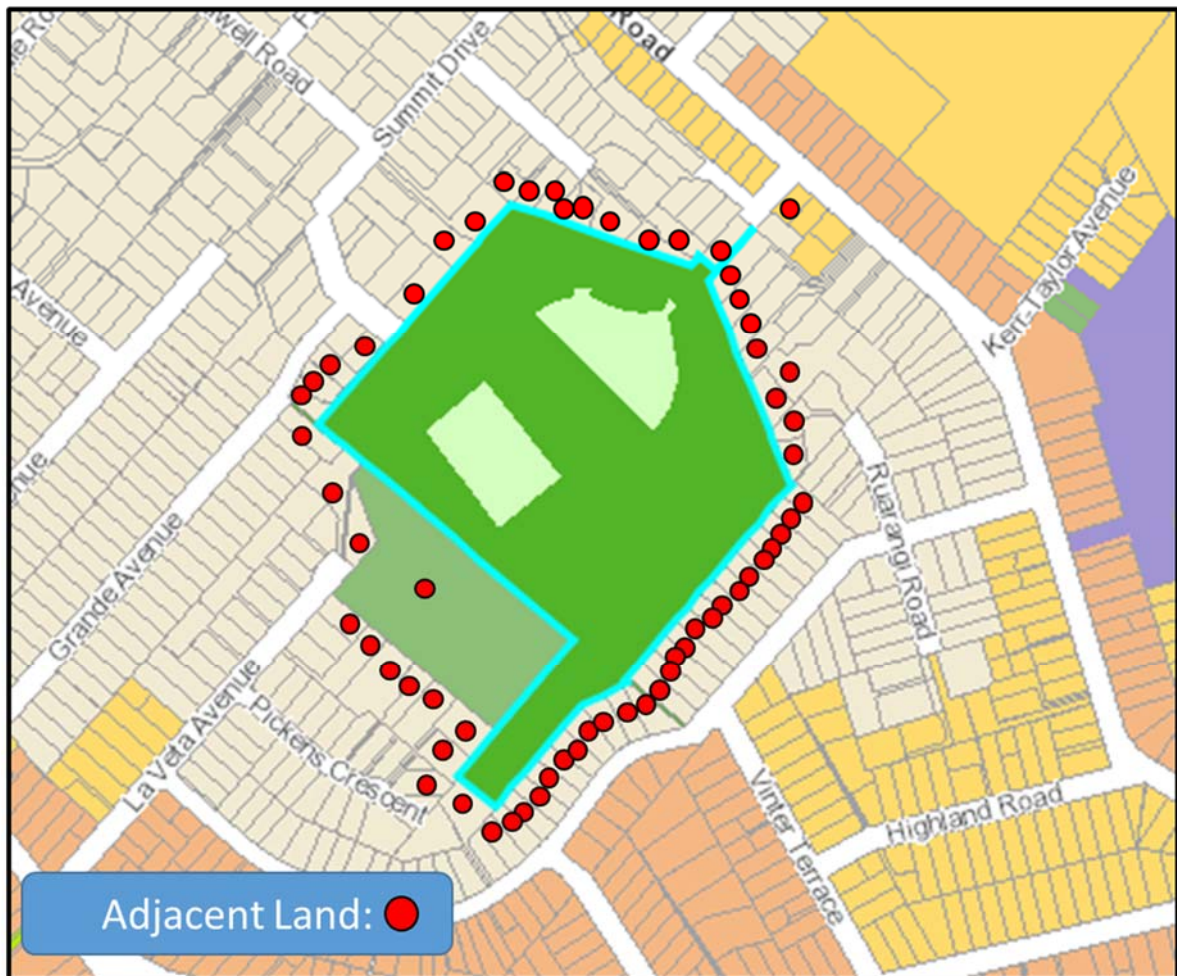
Adverse effects assessment (sections 95A(8)(b) and 95D)

Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The council is to disregard any effects on persons who own or occupy any adjacent land. The land adjacent to the subject site is shown in Figure 3 below.

Figure 3: Adjacent Land



Any effect on a person who has given written approval to the application

In this case, no written approvals have been provided.

Effects that may be disregarded

Permitted baseline

The permitted baseline refers to permitted activities on the subject site. The applicant has provided an assessment of the permitted baseline in sections 9.1.6 of the submitted A.E.E, identifying that the permitted level of construction noise is a relevant consideration with respect to the noise effects of the proposal.

Having considered this assessment and the relevant matters in the AUP:OP, I consider that applying the permitted baseline is appropriate with respect to the levels of construction noise,

and as such this baseline is relevant to the consideration to the magnitude of effects in assessments below.

In addition, it is noted that the works are of a nature that no consents are required with respect to the Overlays relating to the regionally significant or locally significant viewshafts.

Given the nature of consents required with respect to vegetation removal and tree works, land disturbance and archaeology, all effects associated with these activities will require assessment below.

Assessment

Receiving environment

The receiving environment is made up of:

- the existing environment and associated effects from lawfully established activities;
- effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- the existing environment as modified by any resource consents granted and likely to be implemented; and
- the environment as likely to be modified by activities permitted in the plan.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered.

In this case, there is no particular aspect of the receiving environment that I am aware of that is relevant to the assessment of the application.

Adverse effects

Effects on Landscape Values and Visual Amenity

In support of the application, the applicant has engaged Ms Sally Peake to undertake a Landscape and Visual Assessment of the proposed tree removals (see Appendix 3 to the submitted A.E.E.).

In terms of landscape effects, Ms Peake considers that the tree removals and limited native restoration planting are consistent with the natural landscape of the Maunga, and concludes that the proposal will not result in any adverse landscape effects.

With respect to visual effects, Ms Peake identifies that there are three primary viewing audiences: visitors to Ōwairaka, users of the open space network; and residents and users of surrounding residential properties and streets. Ms Peake outlines that the magnitude of change resulting from the proposed works will vary considerably, with the primary visual impact being the loss of vegetation and the consequential exposure of the Maunga whilst re-planting takes hold. Given the relative short-term nature of this exposure and the mitigation of the restoration planting, which Ms Peake considers more reflective of the landscape qualities of the Maunga, she concludes that any adverse visual effects will be effectivity mitigated.

This assessment has been reviewed by Council's Consultant Landscape Architect Mr Peter Kensington. Mr Kensington has advised that he concurs with Ms Peake's identification of the landscape context of the site, and the framework of the assessment. With respect to

landscape effects Mr Kensington agrees with Ms Peake and does not identify any adverse effects, both with respect to the short term and in the long term. In terms of visual effects, having considered the application material and in particular the restoration planting, Mr Kensington has concluded that in his opinion the aims of the proposal will achieve a successful outcome and avoid, remedy and mitigate any adverse landscape and visual effects.

With the above considerations in mind, and notwithstanding that there is potential for the visual effects in particular to be viewed positively or negatively, I am satisfied that from a resource management perspective the proposed works will not result in any adverse landscape effects, and that any adverse visual effects of the removal of trees from the site will be effectively mitigated by the replanting on the Maunga, and that any adverse visual effects will be short term in nature and are less than minor.

Effects of Construction – Noise, and Public Access and Recreational Amenity

Primarily the effects on the environment with respect to construction relate to noise that will arise as a result of the various methods employed to remove the trees (and the duration of these works), and with respect to the impact that the works will have on Public Access and Recreation Amenity of the Maunga.

Given the nature of noise effects associated with construction, and based on the specialist Acoustic Assessment provided with the application (Appendix 1 to the submitted A.E.E) and the Council peer review (as discussed below) the reasonable extent of potential effects has been identified, and primarily relate to effects on people and properties in close proximity to the Maunga and site works areas. As such, effects associated with construction noise as they relate to the owners and occupiers of these properties is discussed below with respect to the tests of S95E.

With respect to public access and recreation amenity, the applicant has provided an assessment in section 9.1.34-9.1.35 of the submitted A.E.E. This assessment, concludes that although the proposed works will have limited public access during periods of the works due to health and safety reasons, that any effects will be short term in nature and can be considered to be less than minor. This assessment also outlines that a communications plan (of which a draft copy is attached as Appendix 7 to the submitted A.E.E.) will assist in ensuring that the general public are advised on any restrictions in advance.

I agree with this assessment, and I am satisfied that in the context of the existing environment, any adverse effects on public access and recreation can be considered to be short term in nature and less than minor.

Effects on Ecology

In support of the application, a detailed ecological assessment has been prepared by Ecological Restoration and Consultancy and is attached to the submitted A.E.E as Appendix 4.

This assessment of the proposal concludes that any adverse ecological effects arising from the removal of the exotic trees can be managed so that any adverse ecological effects are mitigated, and concludes that in combination with the restoration planting (establishing WF7 habitat) that the proposal will have ecological benefits to the Maunga.

This ecological assessment and the replanting plan has been peer reviewed by Council's Consultant Senior Ecologist, Sarah Budd of Wildlands. Having reviewed this information Ms Budd has concluded that:

- The ecological values and effects are well described by the application material, and that adequate and acceptable mitigation has generally been proposed;
- Effects on avifauna are appropriately addressed, and can be managed by standard conditions of consent (particularly around timing of works);
- An acoustic survey for bats has been completed, and there is a low risk of bats, and therefore no mitigation is required;
- The environment is considered high value for lizards, and subject to the incorporation of lizard survey to inform the lizard management plan, that any effects on lizards can be managed appropriately; and
- The replanting areas are appropriate for the purpose and objectives of the restoration plantings from an ecological perspective.

Overall, I am satisfied that this specialist assessment demonstrates that the proposal tree removals, management of operating zones, and removal methodologies are acceptable from an ecological perspective, and that the replanting (and methodology) will improve the ecological values of the site in the long-term.

As such, having taken this specialist advice into consideration, and subject to the conditions recommended by the applicant, and the conditions recommended by Ms Budd, I am satisfied that any adverse ecological effects resulting from the proposal can be managed so that they are less than minor.

Effects on Heritage

The applicant has provided an archaeological assessment of the site, prepared by Consultant Archaeologist Brett Druskovich, which outlines the archaeological record for the site and details the existence of archaeological features on the summit and slopes with respect to the occupation of the site as a pa (although much of this archaeological record has been destroyed), and the inclusion of the domain under the AUP:OP Historic Heritage Overlay. This assessment acknowledges the impact of the former quarry activities and establishment of playing fields and reservoirs on the site, and the consequential impacts these have had on the archaeological record and heritage features on these parts of the Maunga. This assessment concludes that the methodologies proposed are appropriate for the site to mitigate the potential for any adverse effects, and the recommendations in the report form part of the proposal (with respect to a finalised management plan and management of works).

This assessment has been peer reviewed by Council's Specialist Historic Heritage, Mr Joe Mills, who has confirmed that he largely concurs with the findings of the report and that the works methodology proposed is sympathetic to the historic heritage values of the Maunga and effectively mitigates the majority of potential effects. Mr Mills has advised however, that the nature of the works and the environment are such that accidental ground disturbance may impact on historic heritage features, but that adherence to best practice accidental discovery protocols and monitoring of works as proposed by the applicant is appropriate.

Having considered these assessments and the works methodologies, I am satisfied that any adverse effects associated with the heritage values of the site can be managed so that they are less than minor.

Effects on Arboriculture

As part of the proposed works an Arboricultural Assessment and Removal Methodology prepared by Treescape has been provided with the application (Appendix 5 to the submitted A.E.E.). This assessment outlines the tree removal methodologies proposed as part of the works.

I note that the works methodologies and conditions proposed by the applicant are consistent with those consented on Mangere Mountain and Maungarei and confirmed as appropriate for works of this nature by the Council Arboriculture specialist.

With this in mind and having reviewed the applicant's assessment, I am satisfied that the tree removal works can be undertaken in a manner that is consistent with best arboricultural management to ensure that any adverse arboriculture effects on will be less than minor. Conditions of consent are also proposed relating to the oversight of the tree removal works in accordance with the Treescape methodologies.

Effects arising from Land Disturbance

As outlined above, with respect to the tree removals the proposed works have been designed expressly to minimise the disturbance of the surface of the Maunga, with stumps retained and left to rot. For these reasons, the removal of the vegetation is not anticipated to have any adverse erosion and sediment effects with respect to land disturbance.

The application outlines that cumulatively the extensive replanting associated with the restoration of Maunga will result in land disturbance across an area of approximately 525m² and of a volume of approximately 52m³, however given the nature of the replanting (and that it will be undertaken in 5 stages), and as this will be essentially small holes for individual plants spaced across the replanting area, no specific erosion and sediment controls are required in this case. I agree with this assessment and considered that any adverse effects arising from the land disturbance are less than minor.

Effects on the Stability of the site

As noted above the applicant proposes site specific tree removal methodologies that provide for the stumps to be retained in situ, and then rot. The retention of the stumps, along with replanting is considered to be consistent with best practice to avoid any adverse stability effects following the removal of the trees.

On this basis, I am satisfied that any adverse effects arising from the tree removals on the stability of the Maunga can be managed to ensure they are less than minor.

Adverse effects conclusion

Overall, it is considered that the adverse effects on the environment of the proposed removal of exotic trees, and restoration planting of Ōwairaka can be effectively managed so that they are less than minor.

Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature; or
- circumstances which makes notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur as:

- The proposed tree removals and ancillary works (including management techniques), and the management of the open space zoned land is generally consistent with the direction of the AUP:OP as applied through the discretion of the relevant activities of the AUP:OP, with the range of matters relevant to the development provided for in the plan specifically as either restricted discretionary or discretionary activities. Furthermore, the assessment above has not identified any aspect of the receiving environment or any other factor that would give rise to special circumstances. Therefore, I consider that making of an application for the activity cannot be described as out of the ordinary and giving rise to special circumstances.

Therefore in this instance I conclude there are no special circumstances.

Public notification conclusion

The applications should be processed without public notification for the following reasons:

- In the context of the landscape and visual values of the Maunga, any adverse landscape and visual effects of the proposal are considered to be short term in nature and effectively mitigated by the proposed restoration and replanting such that they can be considered to be less than minor;
- Any adverse ecological effects arising from the proposal can be appropriately managed as part of the works programme to ensure that any adverse effects are less than minor;
- Any adverse effects on public access and recreation will be short term in nature and can be considered to be less than minor;
- The proposed works have been designed to be sympathetic to the heritage values of the Maunga, and can be managed to ensure they are less than minor;
- The tree removals methodologies are considered consistent with best arboricultural practice, and any adverse effects are therefore considered to be less than minor;
- Any effects associated with land disturbance and stability can be appropriately managed to ensure they are less than minor; and
- There are no special circumstances.

6. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).

In addition, the council must determine whether the proposed activity is on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015

In this instance, the proposal will not result in adversely affected persons in this regard.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)), and
- the application is not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (s95B(6)(b)).

Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if the activity's adverse effects on that person are minor or more than minor (but not less than minor)
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded, and
- the adverse effects on those persons who have provided their written approval must be disregarded.

Adversely affected persons assessment (sections 95B(8) and 95E)

No persons are considered to be adversely affected by the activities because:

- Noise effects arising from the proposal arise primarily through the use of the helicopter to remove the trees from the Maunga, the use of chainsaws and from processing on the trees. The applicant has engaged Styles Group to model the potential noise effects of the proposed works (see Appendix 1 to the submitted A.E.E. and expanded on within the further information responses). This assessment outlines that with the exception of the helicopter, noise levels generated by all activities will comply with the permitted levels of the AUP:OP. With respect to the noise generated by the helicopter, and noting that alternatives are not practicable to undertake the works, Styles Group predict that the helicopter will infringe the permitted noise levels by 7dB (although consent is sought for an infringement up to 10dB) at the closest residential receivers, and consider that any effects will be “noticeable” but will be limited to 10-12 days across the duration of the project.

To manage the effects arising from the helicopter it is proposed to limit the hours of the helicopter to between 9am and 5pm Monday to Friday, and to limit the consecutive days that the helicopter will be used to no more than three consecutive days per week (in the event that works take longer than the three days the work is required). In addition, given the proximity of the dwellings at 27-37 Mount Royal Avenue (odd numbers only) to the removal of tree 649, it is recommended that the helicopter works associated with the removal of that tree, only occur when those properties are unoccupied (i.e. when they are at work/school), or following agreement with the owner/occupier as part of the communications around the works (see Communication Plan attached as Appendix 7 to the submitted A.E.E). On this basis, the applicant concludes that any adverse effects on people, and in particular residents within a close proximity of the Maunga will be less than minor.

The acoustic assessments provided with the application have been peer reviewed on behalf of Council by Consultant Acoustics Specialist, Mr Peter Runcie. Mr Runcie has advised that the approach and limits identified by Styles Group are appropriate, and generally in accordance with the guidance of NZS6803:1999 Acoustics – Construction. Mr Runcie also confirms that in his experience that the noise model prepared by Styles Groups is reasonable, and that it is appropriate to mitigate these effects through limiting the hours and duration of the Helicopter use, and through advising properties in the vicinity of the works prior to the works commencing. Mr Runcie has also advised that the difference between the modelled 7dB infringement, and the 10dB max sought as part of the consent are likely to be imperceptible to the nearby receivers.

Conditions relating to the use of the helicopter and noise levels have been proposed by the applicant, and Mr Runcie’s review recommends their inclusion. I am satisfied therefore satisfied that the conditions recommended by the applicant can be effectively implemented and monitored by the council.

With the above considerations in mind, I am satisfied that adverse noise effects on people arising from the proposal are short term in nature and can be managed so that they are less than minor.

- Although public access to the Maunga will be temporarily disrupted, this disruption will be short term in nature, and necessary for health and safety reasons, and the applicant has proposed a communications plan to ensure that users of the reserve are aware of any restrictions. Overall, it is considered that any adverse effects on people accessing the Maunga will be less than minor;
- As outlined with respect to the tests of public notification, any landscape and visual effects of the tree removals experienced by people with an outlook to or using the Maunga are likely to be short term in nature and it is considered that these effects are mitigated by the proposed restoration planting, and in the context of the volcanic cone landform that will be exposed, any adverse effects are less than minor;
- Given the scale and nature of the works, any construction traffic associated with the removal of the processed trees, and that associated with the necessary machinery, will be limited in volume, short term in nature, and occur only in the hours of work (7:30am-6pm Monday to Friday with no work on weekends or public holidays), and as such can be considered to be less than minor; and
- The applicant has engaged with local Iwi groups and the general public as part of the consultation process for the Tūpuna Maunga Integrated Management Plan (IMP). Having reviewed the IMP, this document makes clear the expectations with respect to exotic vegetation and cultural significance of the restoration of the Maunga, and the outcomes of this engagement have been incorporated in the application.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant it being notified to any other persons not already determined as eligible for limited notification.

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur as:

- The proposed tree removals and ancillary works (including management techniques), and the management of the open space zoned land is generally consistent with the direction of the AUP:OP as applied through the discretion of the relevant activities of the AUP:OP, with the range of matters relevant to the development provided for in the plan specifically as either restricted discretionary or discretionary activities. Furthermore, the assessment above has not identified any aspect of the receiving environment or any other factor that would give rise to special circumstances. Therefore, I consider that making of an application for the activity cannot be described as out of the ordinary and giving rise to special circumstances.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for an activity other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.

It is therefore recommended that this application be processed without limited notification.

7. Notification recommendation

Non-notification

For the above reasons, under section 95A these applications may be processed without public notification or.

In addition under section 95B limited notification is not required.

Accordingly I recommend that these applications are processed non-notified.



11 February 2019

Brooke Dales

Date

Consultant Planner DCS

For Resource Consents

Approved for release

Notification recommendation reviewed and released for consideration by duty commissioner.



Jonathan Begg

12/02/2018

Principal Project Lead

Resource Consents

Consideration of the applications

8. Statutory considerations

Under s104B the council may grant or refuse consent for a discretionary or non-complying activity. If it grants the application, it may impose conditions under s108 of the RMA.

The council must have regard to Part 2 of the RMA (“Purposes and Principles” – ss5 to 8), ss104, 104B, and 108, of the RMA. The weighing up under s104 is subject to Part 2.

9. Actual and potential effects on the environment

Section 104(1)(a) of the RMA requires the council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

Positive effects

The applicant has provided an assessment of positive effects of the proposal in sections 10.1.7-10.1.10 of the submitted A.E.E. This assessment outlines that the proposal will have positive effects in terms of:

- Implementing the Tūpuna Maunga Integrated Management Plan will contribute to the cultural restoration and healing of the Tūpuna Maunga;
- Enhancing the landscape values of the Maunga, and enhance appreciation of the landscape features providing a better understanding of the archaeology and cultural values attached to the Maunga; and
- Have positive biodiversity effects through the restoration of indigenous vegetation, and management of weed species.

I accept these as relevant positive effects of the proposal, and note that the expectations around positive effects with respect to the landscape and visual effects, as well as ecological effects is reflected in the peer reviews undertaken by the relevant Council specialists.

In addition, I consider that the proposal has positive cultural effects with respect to the mandate that has been placed on the Tūpuna Maunga o Tāmaki Makaurau Authority as part of their governance role of the Maunga.

Adverse effects

In considering the adverse effects, the council:

- may disregard those effects where the plan permits an activity with that effect; and
- must disregard those effects on a person who has provided written approval.

The assessment and conclusion of the “permitted baseline” for the s95A adverse effects assessment are considered applicable to s104(2), and so are not repeated here.

The assessment of adverse effects done for notification identified and evaluated adverse effects only, and the conclusions of these assessments are adopted for the purposes of s104(1)(a).

Summary

Actual and potential effects

It is considered that the adverse effects of the proposal are acceptable in the context of the subject site and surrounding environment, the receiving environment, and that the proposed removal of exotic trees from the Maunga will have positive effects on the landscape and visual qualities of the Maunga and in terms of the cultural and spiritual values of the Maunga in delivering on the mandate bestowed on the Tūpuna Maunga o Tāmaki Makaurau Authority as part of their role governing taonga tuku such as Ōwairaka.

Overall, the actual and potential effects of the proposal are considered to be acceptable from a resource management perspective.

10. Relevant statutory instruments

National Environmental Standard – s104(1)(b)(i)

There are no National Environmental Standards relevant to this proposal.

National Policy Statement – s104(1)(b)(iii)

There are no National Policy Statements relevant to this proposal.

New Zealand Coastal Policy Statement (NZCPS) – s104(1)(b)(iv)

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

A consideration of the NZCPS is provided in section 10.1.28 of the A.E.E for the resource consents. This assessment notes that as the Maunga is in the visual catchment of the coast, the NZCPS is relevant.

The agent concludes that due to the careful design of the proposed works, and in particular the management of visual and landscape effects, and the mitigation provided by the restoration planting, that the proposal will not impact on the coastal environment.

I accept this assessment and note that the agent's conclusions are supported by the relevant Council specialists that have assessed the proposal and the conclusions reached with respect my assessments above.

As such, having considered these assessments along with the NZCPS, I am satisfied that the proposal is consistent with the anticipated outcomes of the NZCPS.

Chapter B of the Auckland Unitary Plan (Operative in Part) – s104(1)(b)(v)

Chapter B of the AUP:OP sets out the strategic RMA framework for the identified issues of significance, and resultant priorities and outcomes sought. These align with the direction contained in the Auckland Plan. Of particular relevance in this case are sections:

- B4 Natural Heritage;
- B5 Built Heritage and Character;
- B6 Mana Whenua; and
- B7 Natural Resources.

With respect to the above matters, and having considered the submitted A.E.E and specialist assessments the following comments are made:

- The proposal delivers on the protection of outstanding natural features, and provides for the ancestral relationship of Mana Whenua with the Maunga through facilitating its restoration and active management;
- The proposal and site works have been designed to be sympathetic to the historic heritage values of the Maunga and effectively mitigates the majority of potential effects on heritage values of the Maunga;
- The relationship of Mana Whenua is reflected through the implementation of the governance role of the applicant as mandated by the Treaty Settlement negotiations.
- Ecological values on the Maunga are protected during the site works, and enhance through the restoration replanting.

Overall, I am satisfied that the proposals are consistent with the strategic direction of the Regional Policy Statement.

Plan or Proposed Plan – section 104(1)(b)(vi)

Auckland Unitary Plan (Operative in Part)

The agent has provided an assessment in sections 10.1.14 – 10.1.25 of the submitted A.E.E against the relevant objectives, policies and related assessment criteria of the AUP: OP. With these assessments in mind (and relying on the assessments above) I make the following comments:

- The restoration works are considered to be consistent with the direction of the plan with respect to the Outstanding Natural Feature Overlay, and in particular making provision for ancestral relationship between Mana Whenua and the natural features of the outstanding natural landscape of Māngere Mountain to be recognised;
- The proposal is consistent with the outcome proposed by the plan for Treaty Settlement Land;
- The proposal is of a nature that does not conflict with the Volcanic View shafts and Height Sensitive Areas Overlays, and enhances the values that these overlays seek to protect;
- The proposed works have been specifically designed to minimise effects on the historic heritage values of the Maunga, and through exposing the Maunga may enhance the understanding and appreciation of the archaeological and cultural values associated with the Maunga. The proposal is considered to be consistent with the relevant provisions of the plan with respect to Historic Heritage;
- The proposal has been designed to minimise land disturbance during the removal phase, and whilst the replanting will mitigate ecological effects on the Maunga it will cumulatively result in land disturbance across a wider area of the Maunga. Notwithstanding this, the nature of this work is such that no site specific erosion and

sediment management is required, and the proposal can be considered consistent with the direction of the plan with respect to land disturbance;

- Vegetation removal of the exotic trees is considered acceptable in this case, and can be managed so that any adverse effects are acceptable from a resource management perspective. Restoration planting associated with the proposal is considered to result in positive long-term effects through the enhancement of ecological values of the site. For these reasons, the proposal is consistent with the direction of the plan with respect to Vegetation Management and Biodiversity;
- With respect to the management of trees in open space zones, notwithstanding the removal of approximately 345 specimens and the short term effects associated with these removals, the proposal (including restoration planting) is considered to be consistent with the direction of the plan to contribute to and manage the cultural, amenity, landscape and ecological values of trees and their contribution to the open space; and
- In regards to the relevant matters of the plan for Open Space and Open Space – Conservation Zones, the proposal is considered to be consistent with the direction to enhance and protect the natural, ecological, landscape, Mana Whenua, and historic heritage values of Ōwairaka.

11. Any other matter – section 104(1)(c)

Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014

As outlined in the background to the proposal in section 3 of the submitted A.E.E., the applicant's governance mandate of Māngere Mountain comes from the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 (Collective Redress Act), which created the Tūpuna Maunga o Tāmaki Makaurau Authority, and led to the development of the Tūpuna Maunga Integrated Management Plan. Following the public consultation of that plan, this proposal reflects its implementation, and is considered to be consistent with the direction of the Collective Redress Act.

Reserves Act 1977

The applicant has outlined that section 53(1) (d) of the Reserves Act 1977 is relevant with respect to the closing of a reserve to the public. In this case, as the proposal will not result in the reserve being closed for greater than 40 days in a year, the proposal is considered to be consistent with the direction of the Reserves Act.

12. Other relevant RMA sections

Conditions of resource consents – s108

The following groups of conditions are recommended (and proposed by the applicant) to be included on the consent to ensure that the works approved as part of the consent are appropriately managed. The conditions have been grouped into the following broad topics:

- General Conditions;
- Pre-commencement conditions (including finalised management plans and pre-start meeting(s));

- Development in Progress Conditions (including implementation of management plans, hours, helicopter use restrictions, ecology conditions, tree removal methodology and historic heritage conditions); and
- Post Completion Conditions (including historic heritage and planting requirements)

Monitoring

This consent will need to be monitored in accordance with the conditions specified in this report and the requirements contained in the AUP OP. It is considered appropriate that condition be included on the consent to ensure a suitable deposit is provided to allow the monitoring of the consent. Given the scale of the proposal, it is recommended that a deposit of \$1500 be required.

13. Part 2 (Purpose and Principles)

Section 5 sets out the purpose of the RMA, and requires a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. This exercise of this judgement is informed by the principles in sections 6 to 8, and considered in light of the particular circumstances of each application.

A consideration of Part 2 is outlined in sections 10.1.32-10.1.39 of the submitted A.E.E, where it is outlined that the proposal is consistent with the sustainable management purpose of Part 2. In particular, this assessment outlines that the proposal enables continued public enjoyment and appreciation of the heritage, natural, and Maori values of the Maunga, enhances the visibility of the natural and heritage features, and enables the relationship of Maori, through the Tūpuna Maunga o Tāmaki Makaurau Authority to enable their relationship with their land and taonga.

Having considered this assessment, I agree with the agent's conclusion that the proposal meets the intent of Part 2. In particular it is noted:

- In terms of section 5, I am satisfied that the application is generally consistent with the relevant planning documents, and that the proposal will not have significant adverse effects. With respect to the purpose of the RMA, I consider that through the restoration of the Maunga will enable the social, economic, and cultural wellbeing of people and communities, whilst appropriately managing adverse effects on the sensitive site and surrounding environment. With these factors in mind, and in making a broad judgement (relying on the assessments and conclusions above), I am satisfied that the proposal is consistent with the purpose of the RMA;
- That the matters of national importance outlined in section 6 of the RMA as they relate to this application have been identified and appropriately taken into consideration. Of particular note is the design of the works to protect the Maunga (being an outstanding natural feature), protect historic heritage, and provide for the relationship of Maori with their ancestral lands and taonga;
- That the other matters outlined in section 7 of the RMA have been given particular regard. Of particular note, and as outlined in the assessments above, amenity values will be maintained, and the proposal is considered to be consistent with an efficient use and development of the site, whilst no ecosystems will be significantly adversely affected by the proposed tree removals. Furthermore, the proposal reflects the role

Iwi through the applicant as kaitiakitanga and their stewardship of this iconic feature of the natural and cultural landscape; and

- The proposal is considered to be consistent with Treaty principles under section 8 and reflects the implementation of the governance role of the applicant as mandated by the Treaty Settlement negotiations.

14. Conclusion

Having considered the proposal against the relevant matters in the AUP:OP, the proposed tree removals and replanting has been demonstrated to be consistent with the direction of the Plan. The proposal is considered to have positive effects on the landscape, visual, ecological, and cultural values of the site, whilst the actual and potential adverse effects can be managed to ensure that they are acceptable from a resource management perspective.

The proposal is also considered to be consistent with the intent of Part 2 and is an efficient use of the land and natural resources.

Overall, the proposed tree removals and restoration planting is considered to be acceptable in the context of the site and the surrounding environment, and I am satisfied that subject to conditions of consent this proposal can be supported from a resource management perspective.

15. Recommendation

Under sections 104, 104B, and 108 of the RMA, I recommend that this non-notified discretionary activity application is granted, subject to the following conditions.

The reasons for this decision are detailed in the attached draft decision and recommended conditions.

This report and recommendation prepared by:

Name: Brooke Dales
Title: Consultant Planner, DCS
For Resource Consents

Signed: 

Date: 11 February 2019

Approved for release

Recommendation reviewed and released for consideration by duty commissioner.

Name: Jonathan Begg

Title: Principal Project Lead, Resource Consents

Signed:



Date: 12.02.2019

Recommendation on application for resource consent under the Resource Management Act 1991



Discretionary activity

Application number:	LUC60328646
Applicant's name:	Tūpuna Maunga o Tāmaki Makaurau Authority and Auckland Council
Site address:	27 Summit Drive, Mt Albert
Legal description and Site Area:	SEC 1 SO 454869
Operative plan:	Auckland Unitary Plan: Operative in Part
Zoning:	Open Space – Conservation Zone Open Space – Sport and Active Recreation Zone
Precinct	N/A
Special features, overlays etc:	Natural Resources: Significant Ecological Areas Overlay - SEA_T_6016, Terrestrial Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Western Springs Volcanic Aquifer Natural Heritage: Outstanding Natural Features Overlay [rcp/dp] - ID 108, Mt Albert (Owairaka) Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - Mount Albert, Height Sensitive Areas Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A1, Mount Albert, Viewshafts Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A10, Mount Albert, Viewshafts Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A13, Mount Albert, Viewshafts Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A2, Mount Albert, Viewshafts

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A3, Mount Albert, Viewshafts

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A7, Mount Albert, Viewshafts

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A8, Mount Albert, Viewshafts

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A9, Mount Albert, Viewshafts

Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 1576, Mount Albert/Owairakai R11_20 Volcanic cone pa site including terrace/s, ditch/s, pit/s and midden

Designations

Notice of Requirements, NoR 7: Proposed Northern Runway, Airspace Restriction Designations, notified 15/02/2018

Proposal

To remove exotic vegetation and undertake restoration planting on Ōwairaka / Te Ahi-kā-a-Rakataura / Mt Albert (Ōwairaka) at 27 Summit Drive, Mt Albert.

The resource consents are:

Land use consents (s9) – LUC60328646

Ōwairaka

Auckland Council Unitary Plan (Operative in Part)

District land use

Historic Heritage Overlay (Chapter D17)

- Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule in this overlay requires consent as a **restricted discretionary activity** pursuant to D17.4.1 (A9).
- Conservation planting requires consent for a **discretionary activity** pursuant to D17.4.2 (A23).
- The removal of trees greater than 3m in height or greater than 300mm in girth requires consent for a **discretionary activity** pursuant to D17.4.2 (A26).

Land Disturbance – District (Chapter E12)

- The activity of replanting will involve approximately 525m² of ground disturbance. Consent for a **restricted discretionary activity** is required for earthworks not otherwise permitted between 500m² up to 1000m² in the Open Space – Conservation Zone pursuant to Rule E12.4.1 (A4);
- The activity of replanting will involve approximately 52m³ of ground disturbance. Consent for a **restricted discretionary activity** is required for earthworks not otherwise permitted up to 250m³ in the Open Space – Conservation Zone pursuant to Rule E12.4.1 (A7);
- The activity of replanting will involve 525m² of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks in the Historic Heritage Overlay over an area of greater than 50m² pursuant to Rule E12.4.2 (A30);
- The activity of replanting will involve 52m³ of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks in the Historic Heritage Overlay of greater than 5m³ up to 250m³ pursuant to Rule E12.4.2 (A32);
- The activity of replanting will involve 52m³ of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks within the V1 Outstanding Natural Feature Overlay of greater than 50m³ pursuant to Rule E12.4.3 (A41);

Vegetation Management and Biodiversity (Chapter E15)

- Within an SEA-T, any vegetation removal not otherwise provided for requires consent as a **discretionary activity** pursuant to E15.4.1 (A43);

Trees in Open Space Zones (Chapter E16)

- The proposed tree works do not comply with Standards E16.6.1 and E16.6.2. Consent for **restricted discretionary activities** is required pursuant to E16.4.1 (A6) and (A8).
- The proposed tree removals include trees that are greater than 4 meters in height and 400mm girth. Consent for a **restricted discretionary activity** is required for these removals pursuant to Rule E16.4.1 (A10);

Noise and Vibration (Chapter E25)

- Construction noise levels exceeding the permitted standards of 75dB Leq (by a maximum of 7dB) are anticipated. Construction noise that exceeds the permitted activity standards in E25.6.27 requires consent as a **restricted discretionary activity** pursuant to E25.4.1 (A2);

Decision

I have read the application, supporting documents, and the report and recommendations on the application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, and 108 the application is **GRANTED**.

1. Reasons

The reasons for this decision are:

- In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
 - In the context of the landscape and visual values of the Maunga, any landscape and visual effects of the proposal are considered to be acceptable, with adverse effects being short term in nature, in keeping with the natural landscape, and mitigated by the proposed restoration replanting to ensure that they are less than minor;
 - Ecological effects arising from the proposal can be appropriately managed as part of the works programme to ensure that any adverse effects are less than minor;
 - Any adverse effects on public access and recreation will be short term in nature and can be considered to be less than minor;
 - The proposed works have been designed to be sympathetic to the heritage values of the Maunga, and can be managed to ensure that any adverse effects are less than minor;
 - The tree removals methodologies are considered consistent with best arboricultural practice, and any adverse effects are therefore considered to be less than minor;
 - Any effects associated with land disturbance and stability can be appropriately managed to ensure they are less than minor;
 - Construction effects, and in particular noise arising from the helicopter can be managed effectively through conditions of consent so that any adverse effects are less than minor; and
 - The proposed removal of exotic trees from the Maunga will have positive effects including the landscape and visual qualities of the Maunga, and in terms of the cultural and spiritual values of the Maunga in delivering on the mandate bestowed on the Tūpuna Maunga o Tāmaki Makaurau Authority as part of their role governing taonga tuku, such as Ōwairaka. In addition, replanting will have a positive ecological effects on the Maunga.

Overall, and having considered the adverse effects in combination with the positive effects of the proposal, the proposed tree removals and restoration planting are considered to be generally positive and are acceptable from a resource management perspective.

- In accordance with an assessment under s104(1)(b) of the RMA the proposal is considered to provide for an acceptable outcome under the relevant statutory documents as:
 - The proposal is considered to be consistent with the anticipated outcomes of the New Zealand Coastal Policy Statement. In particular due to the careful design of the proposed, works, and mitigation provided by the restoration planting the proposal will not impact on the coastal environment;

- In terms of the relevant sections of the Auckland Unitary Plan (Operative Part), the proposal is considered to be consistent with the outcomes anticipated by the Outstanding Natural Features, and Heritage Overlays. In particular, the application manages the restoration of the sensitive environment whilst ensuring that any adverse effects on the receiving environment of the Maunga and surrounding residential and business environments are minimised through ensuring that the works are designed and managed to mitigate adverse effects on heritage, ecological, and landscape and visual values. It is considered that the proposed works can be managed to ensure that effects on the sensitive environment of the Maunga and surrounding environment are minimised, whilst public access and recreational use of the reserve can be managed appropriately
- The proposal is consistent with Part 2 of the Resource Management Act 1991. In particular it is considered that the restoration of the Maunga will enable the social, economic, and cultural wellbeing of people and communities, whilst appropriately managing adverse effects on the sensitive site and surrounding environment, whilst adverse effects of the proposal are not considered to have an unreasonable impact on the sensitive receiving environment. The proposed restoration works also reflect the role of mana whenua through the applicant as kaitiakitanga and their stewardship of this iconic feature of the natural and cultural landscape, as well as being consistent with the principals of the Treaty of Waitangi. Overall, the application is considered to have a positive effect on the amenity and landscape values of the site and surrounding environment.

Overall, the proposal is considered to be consistent with the relevant matters for consideration under the NZCPS and the Auckland Unitary Plan (OP). Any actual or potential adverse effects are assessed to be able to be managed such that they are considered acceptable in the context of the sensitive site and surrounding receiving environment. Furthermore, the application is considered to meet the relevant tests of the RMA, and can be considered to notable positive effects in terms of the restoration of the Maunga. For these reasons, the proposal is considered to be acceptable from a resource management perspective.

2. Conditions

Under section 108 of the RMA, these consents are subject to the following conditions:

General Conditions

1. The removal of exotic vegetation and restoration planting activities shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number LUC60328646:
 - a. Application Form, and Assessment of Effects on the Environment and Statutory Assessment prepared by Antony Yates of Antony Yates Planning Limited, titled "*Tūpuna Maunga Authority, Ōwairaka/ Te Ahi-kā-a-Rakataura / Mt Albert Vegetation restoration and exotic vegetation removal works*", dated October 2018 and the following appendices:

Appendix 1	Arboricultural Assessment and Removals Plan
Appendix 2	Archaeological Assessment
Appendix 3	Landscape and Visual Assessment

Appendix 4	Ecological Assessment and Remediation Planting Plan
Appendix 5	Acoustic Assessment
Appendix 6	Herpetology Assessment
Appendix 7	Communications Plan
Appendix 8	Relevant Statutory Provisions
Appendix 9	Development Control Checklist
Appendix 10	Mana Whenua Engagement
Appendix 11	Certificate of Title

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The Council extends the period after which the consent lapses.
3. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1,500.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

Pre-commencement Conditions

Pre-Construction Meeting with Compliance and Monitoring Staff

4. Prior to the commencement of **each stage** of the tree removals, the consent holder shall hold a pre-construction meeting that
 - a. is located on the subject site,
 - b. is scheduled not less than 5 days before the anticipated commencement of tree removals,
 - c. includes Senior Compliance Advisor (Central) and relevant other specialists (eg Ecologist/ Archaeologist) at the Council's discretion
 - d. includes the Project Manager and supervising Archaeologist
 - e. includes representation from the contractors who will undertake the works.

The following information shall be made available at the pre-construction meeting:

- a. Timeframes for key stages of the works authorised under this consent
- b. Finalised Communications Plan, including: Details regarding implementation of Communications Plan (e.g. Sign locations, copies of letters to residents)

- c. Finalised Restoration Plan
- d. Finalised Construction Management Plan
- e. Finalised Tree Protection Methodologies;
- f. Finalised Lizard Management Plan (and surveys)
- g. Details of briefing for contractors, including: heritage protocols, location of processing sites, and ecological protocols

Advice Note:

To arrange the pre-construction meeting please contact the Council's Monitoring Team Leader Central on 373 6292 or email monitoring@aucklandcouncil.govt.nz.

It is noted that these documents may be updated as required for subsequent stages.

Finalised Management Plans to be provided

5. A minimum of 5 working days prior to the commencement of construction activity and the vegetation removal approved by this resource consent, the consent holder shall submit to the Council (Monitoring Team Leader Central) for approval in writing, final versions of the following management plans:
 - a. Finalised Communications Plan;
 - b. Restoration Plan (Planting Plan);
 - c. Lizard Survey Results and Finalised Lizard Management Plan;
 - d. Predator Management Plan (Lizards);
 - e. Works Management Plan, including:
 - Health and Safety Plan;
 - Confirmation from an acoustic specialist that the consented construction noise limits will be met; and
 - Traffic Management Plan; and
 - Incorporation of ecological protection measures;

Development in Progress Conditions

Implementation of Management Plans

6. No construction activity or vegetation removal approved by this resource consent shall commence until written confirmation is provided by the council that **all** of the submitted final management plans are acceptable and that all measures identified in these plans, as needing to be put in place prior to commencement of works, have been undertaken.
7. The consent holder shall ensure that all the actions within the Communications Plan approved as part of the conditions of this consent are undertaken as proposed and submit a written record to the Council (Monitoring Team Leader Central) confirming compliance within 5 days of each stage of work identified within the construction management and restoration plans having commenced. The consent holder shall undertake any additional communications as required by the council following their review of the submitted record(s).
8. The consent holder shall ensure that all the actions within the restoration plan approved under the conditions of this consent are undertaken as proposed and submit a written record to the

Council (Monitoring Team Leader Central) confirming compliance within 15 days of the completion of each stage of work identified within the restoration plan, on an ongoing basis.

Works Hours

9. Tree works (including removals, trimming, and processing) shall only be undertaken between the hours of 7:30 am and 6:00 pm, Monday to Friday. No works shall occur on any weekend or public holiday.

Use of Helicopters

10. The use of helicopters for works purposes is only permitted between the hours of 9am to 5pm from Monday to Friday.
11. The noise from the use of helicopters shall comply with a noise limit of 85dB L_{Aeq} when measured 1m from the façade of any occupied building in accordance with NZS6803:1999 Acoustics – Construction Noise.
12. The owners and occupants of all neighbouring buildings within a minimum of 200m of the extent of helicopter use within site shall be advised of the works in writing at least ten (10) days prior to the commencement of works on site. The written advice shall set out a brief overview of the construction works its expected duration, the mitigation measures to be implemented, availability of monitoring where concerns about noise are raised, the working hours, and a contact phone number for any concerns regarding noise.
13. Where the use of helicopters is required for a period of more than 3 days in any work area which would result in noise levels exceeding 75dB L_{Aeq} at any receiver, the use of helicopters shall be limited to 3 consecutive days per week, and may only be continued on the same 3 consecutive days in the subsequent weeks until the work in that area is complete.
14. The use of a helicopter for the removal of tree 649 (eucalyptus in the south-eastern part of the site) may only be undertaken when the properties at 25 to 37 (odd numbers) Mount Royal Avenue are unoccupied, or by agreement with the occupiers of these properties.

Ecology

15. All vegetation shall be removed outside of bird breeding season (bird breeding season is September to January inclusive). If vegetation clearance is undertaken within the bird breeding season, woody vegetation must be confirmed clear of nesting native birds by a suitably qualified ecologist. This should ensure no nesting birds, eggs, or chicks are harmed.
16. A survey to confirm the presence of native lizards, particularly rare 'At Risk' species of skinks, shall be carried out by a suitably qualified and experienced herpetologist. The lizard survey must:
 - a. Target potential lizard habitat identified during the herpetological assessment, including the quarry and rock bomb areas in the craters;
 - b. Be carried out at a time of year and during weather conditions that will maximise the chance of locating native lizards, including rare and 'At Risk' species potentially present at the site;
 - c. Utilise no-dig, non-pitfall methodologies suitable for deployment in high value archaeological areas with public access; and

- d. Be conducted after the implementation of specific targeted predator control in any areas of high value skink habitat to be surveyed.
17. A finalised Adaptive Lizard Management Plan for the site shall be prepared by a suitably qualified herpetologist after surveys have been conducted on site and provided to Auckland Council for approval prior to vegetation clearance commencing. This shall include, but not be limited to, the following:
- Tree felling and associated works methodologies and restrictions based on the Ecogecko Herpetology report and best practice scouting and rescue conditions;
- a. Project ecologist and permit details;
 - b. Specific targeted predator control in any areas of high value skink habitat;
 - c. Habitat enhancement including any specific weed management in identified high value skink habitat areas; and
 - d. Survey outcomes and management methods.
18. The finalised planting plan shall be prepared by a suitably qualified ecologist and provided to Auckland Council for approval within two months of completion of the lizard survey, for all restoration areas within the site. The final planting plan shall include, but not be limited to, the following:
- a. Final locations of planting following the completion of the lizard survey;
 - b. Plant species, spacing, planting zones (if required), plant numbers and specification on plant size as described in this assessment report;
 - c. Inclusion of threatened species;
 - d. Planting methodology, including any staging;
 - e. Plant maintenance and weed management until canopy closure (minimum of five years); and
 - f. Monitoring and reporting.
19. A predator management plan targeting potential habitat of native lizard and bird species shall be provided to and approved by Auckland Council. The predator management plan shall incorporate pest animal control work already being undertaken on the site.

Ecology – Myrtle Rust

20. Prior to any Myrtaceae species being delivered to the site, a signed Myrtle Rust Nursery Management Declaration that certifies that the plant producer has implemented the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol must be obtained by the consent holder and provided to the Council (Monitoring Team Leader Central).

Advice Note

The New Zealand Plant Producers Incorporated has developed a framework of supply chain biosecurity protocols that will satisfy the above condition. A copy of the Myrtle Rust Nursery Management Declaration and the New Zealand Plant Producers Incorporated Myrtle Rust

Nursery Management Protocol can be found at the website (<http://nzppi.co.nz/>). The website explains that a declaration signed by the plant provider will be proof that any Myrtaceae species have been grown and treated according to best practice protocols to reduce the spread of Myrtle rust.

Historic Heritage

21. For the WF7 planting, only species that are defined as suitable for planting on archaeological sites, as per the Department of Conservation (Jones 2007) publication or any updated list that is subsequently released by the Department of Conservation, shall be planted within 5m of archaeological features or unmodified parts of the mountain.
22. The project archaeologist shall be on site for the set out of the WF7 plantings to define the limits of the adjacent archaeological evidence to facilitate condition 21 above. The consent holder shall advise the council (at least 2 days in advance) of this work occurring.
23. Should ground disturbance on the site result in the identification of any previously unknown archaeological site, the land disturbance – Regional Accidental Discovery (ADP) rule [E12.6.1] set out in the Auckland Unitary Plan Operative in part (November 2016) shall be applied.

Advice Note

Noting that the Tūpuna Maunga Authority are contacted as part of the ADP and that the responsibility of informing mana whenua as outlined in the protocol, rests with the Tūpuna Maunga Authority.

24. In the event that any unrecorded historic heritage sites are exposed as a result of consented work on the site, then these sites shall be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holders project historic heritage expert shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Council (Monitoring Team Leader Central) (who will consult with the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz) within one calendar month of the completion of work on the site.

Tree removal methodology

25. All tree felling works and use of non-tarsealed access tracks or routes across the Reserve should only occur when the earth is dry to reduce the risk of pugging of the ground surface from repeated vehicle movements over soft ground.
26. All tree removal shall be undertaken in accordance with the Finalised Tree Protection Methodologies as outlined and approved in the final Environmental Management Plan.

Conservation Planting works

27. All planting shall be undertaken in accordance with the approved Restoration Plan and in particular:
 - a. That the archaeologist marks out on the ground the area boundaries that the mound plantings are to be confined to prior to any mound plantings occurring.
 - b. The archaeologist marks out on the ground the area boundaries that the WF7 plantings are to be confined to prior to any WF7 plantings occurring.

Post Development Conditions

Historic Heritage

28. Within one calendar month of the completion of work on the site the consent holder's supervising archaeologist shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Council (Monitoring Team Leader Central) (who will consult with the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz).
29. In the event that any unrecorded historic heritage sites are exposed as a result of consented work on the site, then these sites shall be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holders project historic heritage expert shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Team Leader (for the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz) within one calendar month of the completion of work on the site.

Maintenance of Restoration Planting

30. Once the final implementation stage of work is completed, the consent holder shall maintain the site as per the requirements of the approved Restoration plan to the satisfaction of Council, including the removal of any weed species.

3. Advice notes

1. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact the Team Leader Compliance Monitoring (Central) on 09 3010101 or monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
2. *For more information on the resource consent process with Auckland Council see the council's website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*
3. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*
4. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other*

applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

5. *The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Auckland Unitary Plan Operative in part (November 2016).*

According to the Act (section 6) archaeological site means, subject to section 42(3) –

- a) any place in New Zealand, including any building or structure (or part of a building or structure), that –*
 - i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
- b) includes a site for which a declaration is made under section 43(1)*

It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals.

For information please contact the Heritage New Zealand Pouhere Taonga Regional Archaeologist – 09 307 9923 or 307 9924 / archaeologistMN@historic.org.nz.

Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be tāonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).

According to the Act (section 2) taonga tūturu means an object that –

- a) relates to Māori culture, history, or society; and*
- b) was, or appears to have been –*
 - i. manufactured or modified in New Zealand by Māori; or*
 - ii. brought into New Zealand by Māori; or*
 - iii. used by Māori; and*
- c) is more than 50 years old*

The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts, but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should to be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

It is the responsibility of the consent holder to notify either the chief executive of the Ministry

of Culture and Heritage or the nearest public museum (for Auckland this is the Auckland War Memorial Museum), which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.

Under section 11 of the Act, newly found taonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court.

For information please contact the Ministry of Culture and Heritage – 04 499 4229 / protected-objects@mch.govt.nz.